

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE GAP, INC.,

Plaintiff/ Counterclaim Defendant

-against-

PONTE GADEA NEW YORK LLC,

Defendant/Counterclaimant.

Case No. 20-cv-4541(LTS)(KHP)

THE GAP, INC.'S NOTICE OF CROSS-MOTION FOR SUMMARY JUDGMENT

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Local Rule 56.1 Statement of Undisputed Facts, the Declarations of Jennifer Rondholz, Smita Butala, Jonathan M. Zenilman, M.D., and Michael Geibelson, and all prior pleadings and proceedings in this case, Plaintiff The Gap, Inc., by and through its attorneys will move before the Honorable Laura Taylor Swain, at the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order pursuant to Federal Rule of Civil Procedure 56 granting its cross-motion for summary judgment as to its claims for breach of contract, declaratory relief, rescission, and reformation.

PLEASE TAKE FURTHER NOTICE that pursuant to Your Honor's individual rule 2(b)(i), Gap certifies that it has used its best efforts to resolve this dispute prior to filing this Notice of Motion, inasmuch as all counsel participated in a telephonic meet and confer that occurred on August 13, 2020 in which the grounds for Defendant's motion for summary judgment to which this cross-motion is addressed were discussed, and in which it as determined that any further meet and confer concerning the ultimate merits of the action would be futile,

inasmuch as the cross-motion presents the diametrically opposing view that summary judgment should be granted in Plaintiff's favor, and not defendant's, with respect to the issues presented..

Dated: August 31, 2020

Respectfully submitted,

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